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Guardian State Bank v. Stangl III : Unknown

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Stephen B. Mitchell; Burbidge & Mitchell; Attorneys for Appellant.

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May 11, 1987

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ELIZABETH KING

THURMAN & SUTHERLAND 1886
THURMAN, SUTHERLAND & KING 1888
THURMAN, WEDGWOOD & IRVINE 1906
IRVINE, SKEEN & THURMAN 1923
SKEEN, THURMAN, WORSLEY & SNOW 1952
WORSLEY, SNOW & CHRISTENSEN 1967

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322-9113

1984 20158

Geoffrey J. Butler, Clerk
Utah Supreme Court
322 State Capitol Building
Salt Lake City, Utah 84111

Re: Guardian State Bank vs. Stangl
Case No. 20158

Dear Mr. Butler:

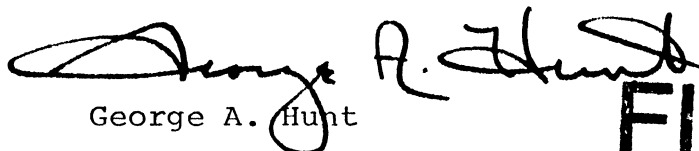
We represent Respondent in the referenced action. It is our judgment that the recent Supreme Court case of Trees vs. Lewis, 56 Utah Adv. Rep. 8 (April 21, 1987) is pertinent to the position our client has advanced on appeal. In particular, we believe the Trees vs. Lewis case supports Point III-B advanced in the Brief of Respondent in that by accepting the benefits of the Judgment against Defendant Kirton & McConkie, the Plaintiff (Appellant) has waived its right to appeal those aspects of the Judgment it deemed unfavorable.

We would appreciate your bringing this correspondence and the cited case to the attention of the Justices when this action is set for consideration on the calendar.

Thank you for your attention to this matter.

Respectfully,

SNOW, CHRISTENSEN & MARTINEAU


George A. Hunt

GAH:kib

cc: Stephen B. Mitchell, Esq.

FILED
MAY 14 1987